

05-11148

United States Court of Appeals For the First Circuit

No. 07-8030

NEW ENGLAND CARPENTERS HEALTH BENEFITS FUND, ET AL.,

Plaintiffs, Respondents,

v.

MCKESSON CORPORATION,

Defendant, Petitioner,

FIRST DATABANK, INC.,

Defendant.

Before

Boudin, Chief Judge,
Stahl, Senior Circuit Judge,
and Lipez, Circuit Judge.

JUDGMENT

Entered: November 16, 2007

The petition for leave to appeal is denied. We note that the petitioner did not develop its reliance argument, either when it moved to dismiss the complaint or when it opposed class certification. The certification order did not "turn on" any question of law preserved by the petitioner. Rule 23(f) advisory committee note.

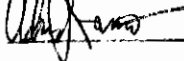
The appeal is terminated.

By the Court:

Richard Cushing Donovan, Clerk.

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FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By  Date: 11/16/07

By: **MARGARET CARTER**
Chief Deputy Clerk.

[certified copies: Honorable Patti B. Saris,
Sarah A. Thornton, Clerk US Distict Court of Massachusetts]

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